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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,693	03/22/2004	Sean R. Lovison	026284-000001US	2574
20350 7590 02/29/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER WANG, LIANG CHE A	
			ART UNIT 2153	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,693

Applicant(s)

LOVISON ET AL.

Examiner

ALEX WANG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 43-124 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 43-124 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-2, 43-124 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 43-50, 52-54, 59-67, 69-71, 76-83, 85-87, 92-99, 101-103, 108-114, and 123 are rejected under 35 U.S.C. 102(e) as being anticipated by Heinonen et al., US Patent Number 7,249,182, hereinafter Heinonen.
4. Referring to claim 1, Heinonen teaches a system for identifying and retrieving information about individuals located within a geographic area (Col 1 lines 7-11), the system comprising:
 - a. a plurality of broadcasting devices (figure 1 devices 119-123), each broadcasting device being associated with a selected user (Col 3 lines 26-65, each Bluetooth device is associated with a user);
 - b. a listening device (user's wireless terminal 101) associated with a requesting user (Col 6 lines 1-11); and
 - c. a server including a database (personal data server 129, Col 6 lines 11-14);

- d. wherein each broadcasting device emits a wireless data packet containing a unique identification entity (UIE) (Col 7 lines 19-51);
 - e. wherein the listening device captures the wireless data packets, extracts the UIEs from the packets and sends the UIEs to the database (Col 7 lines 52-63, Col 15 lines 17-36).
- 5. Referring to claim 2, Heinonen teaches the system of claim 1, wherein the database sends a profile of the selected users to the listening device in response to receiving the UIEs (Col 1 lines 17-36).
- 6. Referring to claim 43, Heinonen teaches a wireless communication device (user's wireless terminal 101), comprising:
 - a. communication means for wireless bidirectional communication with a broadcasting device (device 119)(Col 7 lines 19-52); and
 - b. a device processor that executes software program instructions that cause the wireless communication device to operate in a listening device mode in which the wireless communication device receives data packets from the broadcasting device (devices 119-123), extract unique identification entity (UIE) data from the received data packet (Col 7 lines 19-51), sends the UIE data to a database server (personal data server 129, Col 6 lines 11-14), receives profile information associated with UIE data of the broadcasting device from the database server, and initiates further communication with the broadcasting device (Col 7 lines 52-63, Col 15 lines 17-36, and rejection to claim 1).

7. Referring to claim 44, Heinonen teaches the wireless communication device as defined in claim 43, wherein the communication device sends a communication request to the database server, wherein the communication request initiates a database server bidirectional communication with the broadcasting device in accordance with the communication request of the wireless communication device (Col 15 lines 17-36).
8. Referring to claim 45, Heinonen teaches the wireless communication device as defined in claim 43, wherein the profile information comprises contact information associated with the UIE data (Col 15 lines 48-58) and the further communication with the broadcasting device comprises direct communication from the wireless communication device to the broadcasting device (figure 1).
9. Referring to claim 46, Heinonen teaches the wireless communication device as defined in claim 45, wherein the direct communication comprises a text message (Col 16 lines 6-15)
10. Referring to claim 47, Heinonen teaches the wireless communication device as defined in claim 43, wherein the profile information comprises contact information associated with the UIE data and the further communication with the broadcasting comprises a request to the database server to send a request or communication with the wireless communication device from the database server to the broadcasting device (Col 15 line 59-Col 16 line 15).
11. Referring to claim 48, Heinonen teaches the wireless communication device as defined in claim 43, wherein the profile information comprises contact information associated with the UIE data (Col 12 lines 14-15, my phone number corresponds to “contact information”) and the further communication with the broadcasting comprises a message

from the database server to the broadcasting device in accordance with a wireless communication device message (Col 15 lines 17-36).

12. Referring to claim 49, Heinonen teaches the wireless communication device as defined in claim 43, wherein the wireless communication device receives data packets from a plurality of broadcasting devices, and wherein the wireless communication device sends the database server the UIE data for a selected one of the plurality of broadcasting devices and receives profile information from the database server for the selected UIE data (Col 15 lines 17-36).
13. Referring to claim 50, Heinonen teaches the wireless communication device as defined in claim 43, wherein the wireless communication device receives data packets from a plurality of broadcasting devices, and wherein the wireless communication device sends the database server the UIE data for a selected one of the plurality of broadcasting devices and receives profile information from the database server for each of the UIE data corresponding to the selected UIE data (Col 15 lines 17-36).
14. Referring to claim 52, Heinonen teaches the wireless communication device as defined in claim 43, wherein the received data packets have a predetermined number of data bits reserved for filtering purposes such that the wireless communication device responds to the reserved data bits by filtering the received data packets (Col 11, table A bitmask with profile filtering).
15. Referring to claim 53, Heinonen teaches the wireless communication device as defined in claim 43, wherein the wireless communication device can communicate using more than one wireless protocol (Col 6 lines 15-20).

16. Referring to claim 54, Heinonen teaches the wireless communication device as defined in claim 43, wherein the profile information indicates if the broadcasting device will accept advertising information targeted to the profile information associated with the UIE of the broadcasting device (Figure 3B item 303).
17. Referring to claim 54, Heinonen teaches the wireless communication device as defined in claim 43, wherein the wireless communication device is adapted to re-transmit received data packets for reception by additional broadcasting devices (Col 1 lines 7-12, figure 1).
18. Referring to claim 59, Heinonen teaches the wireless communication device as defined in claim 43, wherein the device processor operates in a broadcasting device mode in which it broadcasts data packets containing UIE data associated with the wireless communication device (Col 4 lines 28-36).
19. Referring to claims 60-67, 69-72, 76-83, 85-88, 92-99, 101-104, 108-114, 116-119 and 123-124. Claims 60-67, 69-72, 76-83, 85-88, 92-99, 101-104, 108-114, 116-119 and 123-124 encompass the same scope of the invention as that of the claims 1-2, 43-50, 52-55, and 59. Therefore, claims 60-67, 69-72, 76-83, 85-88, 92-99, 101-104, 108-114, 116-119 and 123-124, and 123 are rejected on the same ground as the claims 1-2, 43-50, 52-55, and 59.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claims 51, 68, 84, 100, 115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen, and in views of Tanaka, US Patent Number 6,819,919, hereinafter Tanaka.

22. Referring to claim 51, 68, 84, 100, 115, Heinonen teaches the invention as described in claims 43, 60, 77, 92, and 108. Heinonen teaches wherein the profile information sent by the database server includes data relating to the UIE data of the selected broadcasting device (Col 15 lines 17-36).

Heinonen does not teach wherein the data relating to the UIE data is a graphical data.

Tanaka teaches a personal matching/meeting service in a wireless infrastructure, that comprises a user profile contains customized graphics, audio, video or text (Col 5 line 56 –Col 6 line 3).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have the customized graphic data to be stored on the user profiles of Heinonen as taught by Tanaka because both Tanaka and Heinonen teaches inventions related to providing meeting/matching services by comparing preferences according to each user's profile (Heinonen Col 1 lines 7-11, Tanaka Col 1 lines 16-27).

A person with ordinary skill in the art would have been motivated to make the modification to Heinonen because graphic data is an known type of data in the data communication world that enhances user's characteristics along with other multimedia data and text.

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23. Claims 56-58, 73-75, 89-91, 105-107, 120-122 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Heinonen.

24. Referring to claim 56-58, 73-75, 89-91, 105-107, 120-122, Heinonen teaches the

invention as described in claims 55, 72, 88, 104, and 119. An Official Notice is taken by

the examiner that the scope of claims 56-58, 73-75, 89-91, 105-107, 120-122 such time-

to-live value, and multiple protocol translation, and routing protocols are well known

technologies in the art that a person with ordinary skill in the art would have incorporated

these techniques on the network infrastructure as defined in Heinonen.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Applicant is reminded that in amending in response to a rejection of claims,

the patentable novelty must be clearly shown in view of the state of the art disclosed by

the references cited and the objection made. Applicant must show how the amendments

avoid such references and objections. See 37 CFR 1.111(c).

26. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Liang-che Alex Wang whose telephone number is

(571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am

to 5:00 pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton B Burgess can be reached on (571)272-3949. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
February 19, 2008

A handwritten signature in black ink, appearing to read "Liang-che Wang", written in a cursive style.